



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,391	12/28/1999	KENNETH C. CADIEN	042390.P8136	9927

7590

07/19/2002

RAYMOND J WERNER  
BLAKELY SOKOLOFF TAYLOR ZAFMAN LLP  
12400 WILSHIRE BOULEVARD 7TH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

CHEN, KIN CHAN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 07/19/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

MF=14

**Office Action Summary**

Application No.

09/473,391

Applicant(s)

CADIEN ET AL.

Examiner

Kin-Chan Chen

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 14, 24, 25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-12, 14, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 31, lines 2, 3, 7, and 8, before dielectric layer, the term "hard" is a relative term with no basis for comparison. Thus the metes and bounds of the claim are unclear.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz (US 6,136,714) or Jeong (US 5,960,317) in view of Avanzino et al. (US 6,140,239).

Schutz or Jeong teaches that a dielectric layer may be formed over a substrate. The dielectric layer may have trenches therein. A barrier may be formed in the trenches and on a top surface of the dielectric layer. Metal may be deposited over the barrier. The metal and barrier may be polished with a slurry. A slurry includes an abrasive. The

Art Unit: 1765

barrier may be polished from the top surface of the hard dielectric layer with the slurry until the barrier is removed from the top surface of the hard dielectric layer (see col. 2, lines 26-33 of Schutz; col. 4, lines 6-35 of Jeong).

Schutz or Jeong does not teach that the slurry may include an abrasive harder than the metal and less harder than the barrier. In a method of CMP polishing, Avanzino (col. 4, lines 10-11) teaches that the abrasive may comprise iron oxide for the metal polishing so as to smooth surface finish without any significant abrasion (col. 4, lines 30-33). Hence, it would have been obvious to one with ordinary skill in the art to use iron oxide of Avanzino in the process of Schutz or Jeong in order to smooth surface finish without any significant abrasion.

The instantly claimed invention differs from the combined prior art by specifying the slurry may includes an abrasive harder than the metal and less harder than the barrier. But because the same materials are used with the same process steps, it would inherently contain the same properties and functions as claimed, the abrasive harder than the metal and less harder than the barrier.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final

Application/Control Number: 09/473,391

Page 4

Art Unit: 1765

communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.

K-C C  
June 28, 2002

*K. C. Chen*  
Patent Examiner  
Group Art Unit 1765